

SENATE BILL 2449

By Kyle

AN ACT to amend Tennessee Code Annotated, Section 2-10-110, relative to campaign finance violations dealing with converting campaign funds to personal use including converting civil penalties imposed by the registry into judgments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-10-110, is amended by adding the following as a new subsection thereto:

(g) Notwithstanding any other provision of this section to the contrary, if the registry of election finance issues a finding that a person converted campaign funds to personal use, then in addition to any penalty assessed by the registry under subdivision (a)(2) the registry shall also assess the person the amount the person converted to personal use.

SECTION 2. Tennessee Code Annotated, Section 2-10-110(c), is amended by deleting subdivision (3) and substituting instead the following:

(3)

(A) If a civil penalty authorized by this section is imposed, the registry may convert the unpaid balance into a civil judgment in accordance with the procedure set forth within this subdivision (3).

(B) The registry may file a certified copy of the order for a civil penalty with the chancery court in Davidson County.

(C) At the same time the registry files a certified copy of the order with the chancery court, the registry shall have the defendant personally served in accordance with the Tennessee rules of civil procedure. The service shall give notice to the defendant of the registry's intent to convert the civil penalty order to

a civil judgment, include a copy of the order and a statement as to the amount of unpaid civil penalties the registry alleges the defendant still owes.

(D) Upon being served, the defendant shall be permitted to file an answer in accordance with the Tennessee rules of civil procedure.

(E) Upon service of the defendant and receipt of the defendant's answer, if any, the chancery court shall conduct a hearing in order to take proof as to the amount of the civil penalty actually paid. Both the registry and the defendant shall be permitted to offer proof at this hearing. If the court finds by a preponderance of the evidence presented that the amount of a civil penalty actually paid is less than the total amount ordered, then the court shall enter a judgment in favor of the registry and against the defendant for the amount of the unpaid balance.

(F) At the hearing conducted in accordance with this subdivision (3), the only issues over which the court shall have jurisdiction is whether the defendant was properly served in accordance with the Tennessee rules of civil procedure, whether the order entered against the defendant pursuant to this section has been satisfied by the defendant and, if not, the amount of the civil penalty still owed by the defendant.

(G) A civil judgment entered pursuant to this subdivision (3) shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the registry in the same manner and to the same extent as other civil judgments are enforceable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.